

Agreement between the Government of the United States of America and the Government of Canada on Fisheries Enforcement

Basic Instrument

[Agreement](#) between the Government of the United States of America and the Government of Canada on Fisheries Enforcement of September 26, 1990 (House Document 102-22, 102d Congress, 1st Session)

Authorities

Magnuson-Stevens Fishery Conservation and Management [Act](#), 16 U.S.C. 1822(a), which authorizes the Secretary of State to negotiate international fisheries agreements, and 16 U.S.C. 1855(d), which authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the Magnuson Act.

Member Nations

United States and Canada

Meetings

Bilateral meetings are held, often on the margins of multilateral events, to review past practices and discuss new standards, policies, and strategies for cooperation.

Description

The United States enjoys a very strong working relationship at both the national and regional levels with Canadian fisheries enforcement officials. In cases involving boundary disputes and treaties governing fishery access, the USCG, NOAA and Canadian Department of Fisheries and Oceans (DFO) along with Canadian Coast Guard (CCG) counterparts have effectively coordinated living marine resource enforcement efforts despite occasional related political and economic tensions. The USCG and NOAA value the positive relationship with DFO and the CCG and consider our relationship a model of bilateral cooperation.

The United States desires to continue the excellent work at regional levels to develop increased opportunities for at-sea fisheries enforcement cooperation with our Canadian counterparts. Specifically, the USCG and NOAA are interested in maintaining continued close collaboration on regionally specific at-sea enforcement issues, particularly along international boundaries, as well as increasing cooperation on global high seas issues such as boarding and inspection and enforcement regimes being developed and/or implemented within regional fishery management organizations (RFMOs) such as the North Pacific Anadromous Fish Commission (NPAFC), the Western and Central Pacific Fisheries Commission (WCPFC), and the newly negotiated North Pacific Fisheries Commission when it enters into force.

Recent Activities

New England

The Northwest Atlantic Fisheries Organization (NAFO) is the RFMO responsible for managing most of the fishery resources in the high seas area of the Northwest Atlantic bordering the EEZs of the United States, Canada and Greenland.

NOAA Special Agents in conjunction with officers from Customs and Border Patrol, the US Coast Guard and US Fish and Wildlife, conducted an operation at the Calias, Maine Port of Entry, which is located on the US/Canadian Border. This operation resulted in the inspection of 12 trucks and 15 shipments. A total of ten violations resulted from that enforcement operation.

The Northeast Vessel Monitoring System (VMS) Team, within the Office of Law Enforcement, monitored the activities and maintained communications with the two U.S.-registered vessels participating in the NAFO fishery for 2013 and 2014. The vessels submitted required daily catch reports, including catch on-entry and catch on-exit reports, to the VMS Team who in turn reviewed and entered the catch data into OLE's monitoring application for direct access by the NAFO Secretariat. The catch data was also made available to the NMFS Greater Atlantic Region in order to track landings and discards. From October 1, 2013 through November 20, 2014, a total of 235 NAFO catch reports were submitted. This was the third consecutive year for U.S. vessel and OLE participation in this international program.

DFO and Office of Law Enforcement (OLE) officers continue to collaborate on permitting and compliance along their shared border, including inspections for proper documentation and labeling of seafood imports. These efforts include assistance from law enforcement partners in US Fish and Wildlife, US Customs and Border Protection, and the Canadian Seafood Inspection Agency.

Oregon/Washington

The primary threat for illegal incursions in the Pacific Northwest occurs in the vicinity of the San Juan Islands during the crab season. Through successful collaboration between DFO and NOAA state partner agencies, numerous illegal crabbing operations were discovered and managed. The majority of US/CA coordination in this region occurs through bilateral treaties. The US/CA Albacore Treaty reciprocal fishing Agreement annexes were renegotiated in 2013 for one year with the annexes expiring in 2014. The enforcement coordination between USCG, NOAA, and DFO is vital to maintaining the treaty and will be key for subsequent agreements. LE collaborators have worked towards ensuring proper seafood labeling at the Port of Entry (POE). Beyond fisheries, the USCG, NOAA, and DFO partnered to develop complimentary cross-border regulations to support the recovery of the endangered population of Southern Resident Orca whales. In 2011, NOAA implemented new approach regulations for the Orca population.

North Pacific Ocean (high seas)

NOAA OLE meets annually with DFO representatives at the Dixon Entrance meeting to share information and discuss cooperative efforts along the maritime border between Alaska and Canada. In 2011, NOAA also coordinated with DFO and Canadian Customs on enforcement of laws and regulations related to the movement of fish and fish product across the US/Canada border. In 2014, USCG District 17 and the DFO worked collaboratively in investigating EEZ incursions along the U.S.-Canada Maritime Boundary Line. This collaboration is necessary to ensure amicable and equitable enforcement of sovereignty and fisheries regulations.

NOAA Special Agents in conjunction with officers from Customs and Border Patrol and U.S. Fish and Wildlife Service conducted an operation at the Dalton Cache, Alaska Port of Entry, which is located on the U.S./Canadian border. This operation resulted in the inspection of 72 conveyances. Several warnings were issued by USFWS for possession of wildlife parts for personal use and COPPS outreach was conducted with the public concerning import / export requirements of fish and wildlife parts.

As in past years, Canada (DFO) coordinates with the USCG to provide maritime patrol aircraft in support of multilateral efforts to deter large-scale high seas driftnet (HSDN) fishing operations in the North Pacific Ocean. DFO deploys a liaison officer to Commander, Coast Guard District 17 in Alaska during Canadian deployments of maritime patrol aircraft (MPA) to coordinate at-sea surveillance and intelligence sharing. The DFO contracts with the Canadian Navy for limited surveillance of the North Pacific Ocean in support of broader multilateral Illegal, Unreported, and Unregulated (IUU) fishing enforcement efforts targeting HSDN fishing and to meet obligations under the NPAFC. These flights are closely coordinated with the high seas enforcement operations of North Pacific Anadromous Fish Commission (NPAFC) Contracting Parties and People's Republic of China. Like U.S. DOD and USCG resources, the Canadian Navy must allocate limited resources across a global threat environment. Despite these pressures, DFO has been successful in recent years to maintain a base level of MPA coverage in the North Pacific targeting HSDN enforcement. The continued participation of Canada's MPA coverage is vital to supporting USCG surface efforts and overall multilateral efforts on the high seas in the deterrence of IUU/HSDN activity.

Canada also performs occasional satellite monitoring of the NPAFC convention area with its "RadarSat 2" synthetic aperture radar under the Department of National Defense (DND) unclassified maritime domain awareness program. When allocated for use by DFO, this surveillance satellite is capable of producing daily ship detection reports, which are then distributed to NPAFC member countries and China for use by patrolling vessels and aircraft.

Other Issues:

U.S. / Canada Maritime Border Dispute

The US and Canadian maritime border is disputed in three areas of concern to living marine resources: Machias Seal Island and North Rock off the coast of Maine, Straits of Juan de Fuca in Washington State, and Dixon entrance in southeast Alaska. Within the disputed maritime zones associated with each of these locations, it is a general understanding by enforcement officials on each side that the flag state is responsible for controlling the activity of and taking appropriate law enforcement actions upon their vessels.

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